

Recommendation Regarding 42.56.010(2)  
(Legislative Exemption)

The Committee recommends that the legislature eliminate the Legislative exemption, which excludes from public scrutiny personal records of the legislature, including e-mails, correspondence, except when designated as a public record by a “official action of the Senate or House of Representatives.” Every other legislative body in the state of Washington is fully subject to the public records act. There is no principled reason why the state legislature should be exempt.

Implementing this recommendation would require amendment of RCW 42.56.010(2) as follows:

(2) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. ~~For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW 40.14.100 and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives.~~

*Adopted by the Committee, 8 votes “yes” and 1 vote “no”  
August 31, 2009*